

ORDINANCE NO. _____, SERIES 2006

AN ORDINANCE AMENDING SECTIONS 97.070 AND 97.076, ~~97.999, 112.01 AND 112.99~~ OF THE LOUISVILLE/JEFFERSON COUNTY METRO CODE OF ORDINANCES ("LMCO") PERTAINING TO PLACING SIGNS OBSTRUCTIONS IN PUBLIC RIGHT-OF-WAYS (COMMITTEE SUBSTITUTE).

Sponsored by: Rick Blackwell, District 12

BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I. LMCO Section 97.070 is hereby amended to read as follows:

(1) Structural obstructions.

- (A) It shall be unlawful for any person to erect, keep, or maintain any house, fence, wall, building, or permanent or immovable structure, post, rail, or object on or over any sidewalk, street, alley, or public way within Louisville Metro that obstructs or impedes public use of such sidewalk, street, alley, or public way.
- (B) Metro Government may place or permit other government entities to place trees, posts rails, or street furniture as defined in subsection (D), below, that it may deem appropriate upon the public way.
- (C) *Street furniture approval.* Before any street furniture is placed in the public way it shall be subject to review and approval by Public Works and shall be appropriate in scale and design.
 - (1) The Director of Public Works (DPW) or his designee shall consider:
 - (a) whether the design, materials and color scheme of the street furniture comport with and enhance the quality and character of the

streetscape, including nearby development and existing land uses;
and

(b) whether the street furniture endangers public safety or property, or interferes with or impedes the flow of pedestrian or vehicular traffic, or is placed in such a manner as to impede or interfere with the reasonable use of a display window or display space.

(2) No street furniture shall be approved that wholly impedes the use of any sidewalk.

(D) *Definition of Street furniture.* Street furniture means miscellaneous objects such as poles, meters, utilities, traffic light boxes, street lights, news and information distribution boxes or corrals, refuse receptacles, mail boxes, telephone panels and booths, bus shelters with or without seating, outdoor restaurant furniture public seating, flower boxes or plant containers, bike racks, decorative objects, kiosks, objects of art and those structures erected or placed by authorized public agencies for public safety and/or public welfare purposes.

(2) *Lights on obstructions.* When any use of any street, sidewalk, alley, or public way is made as allowed by law, all obstructions shall be safely guarded in such manner and with sufficient necessary yellow lights at night, as to protect all those traveling or passing on such streets, alleys, sidewalks, or public ways against injury from the obstruction.

(3) *Enclosures.* It shall be unlawful for any person to enclose in any manner, either totally or partially, any sidewalk, street, alley, public way, or any part thereof, with any fence, wall, or other structure, or in any manner whatever, except as may be provided by ordinance.

(4) *Use of cellar doors.* It shall be unlawful for any person to permit or keep open any grating or cellar door or way in any sidewalk on any street, or thereby to prevent the free and unobstructed use by pedestrians of the entire sidewalk from the line of the property abutting on such street to the curb of the carriageway thereof, except for the time such opening on the sidewalk is being actually used for taking things into or out of the cellar or basement with which such openings shall communicate or be connected. When such actual use ceases, the grating or cellar door in the sidewalk shall be closed on a level with the sidewalk and securely fastened by the persons owning, occupying, or using it so that pedestrians may safely and without obstruction use the full width of the sidewalk, including the place therein covered by such grating or cellar door or way.

(5) Nothing in this section shall prevent the DPW from establishing reasonable time, place, and manner regulations governing the placement of temporary objects on the right of way.

SECTION II. LMCO Section 97.076 is hereby amended to read as follows:

§ 97.076 OBSTRUCTIONS REGULATED.

- (A) *Permit.* No person shall place, construct, or maintain within the right-of-way of any public way of Metro Government any permanent or immovable object, structure, sidewalk, entrance way, driveway, or other installation, except as otherwise permitted by resolution or ordinance of the Metro Government.
- (B) Before placing an object, structure, or other installation pursuant to subsection (A) above, a written permit shall be obtained from the Director of Public Works.
- (C) *Regulations.* In addition to the criteria set forth in § 97.070 the Director of Public Works shall establish reasonable rules and regulations governing the erection and maintenance of such objects, structures, and installations in such right-of-way.
- (D) The rules and regulations shall be available to the public through the Department of Public Works and online at the Public Works website.

SECTION III. This Ordinance shall take effect upon its passage and approval.

Kathleen J. Herron
Metro Council Clerk

Kevin J. Kramer
President of the Metro Council

Jerry E. Abramson
Mayor

Approved: _____
Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze
Jefferson County Attorney

BY: _____
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